

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 22, 2017

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Austin Baun Gavello Case Number: 0980 1:15CR02039-WFN-1
Address of Offender: Deer Park, Washington 99006
Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, Chief U.S. District Judge
Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: December 7, 2015
Original Offense: Theft of Government Property, 18 U.S.C. § 641
Original Sentence: Probation - 36 Months Type of Supervision: Probation
Asst. U.S. Attorney: Scott Jones Date Supervision Commenced: December 7, 2015
Defense Attorney: Roger James Peven Date Supervision Expires: December 6, 2018

PETITIONING THE COURT

To issue a WARRANT and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 03/31/2017, 04/10/2017, and 04/19/2017.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
7	<p><u>Standard Condition # 1:</u> The defendant shall not leave the judicial district without the permission of the court or probation officer.</p> <p><u>Supporting Evidence:</u> On October 4, 2016, Austin Gavello signed his conditions of probation indicating he understood all conditions ordered by the Court. Specifically, Mr. Gavello was made aware by his U.S. probation officer that he not leave the judicial district without the permission of the Court or probation officer.</p> <p>On September 16, 2017, at 4:30 a.m., Austin Gavello was contacted by Post Falls Police in Post Falls, Idaho. Mr. Gavello did not have permission to leave the Eastern District of Washington.</p>
8	<p><u>Standard Condition # 12:</u> The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.</p> <p><u>Supporting Evidence:</u> On October 4, 2016, Austin Gavello signed his conditions of probation, indicating he understood all conditions ordered by the Court. Specifically, Mr. Gavello was made aware by his U.S. probation officer that he shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.</p>

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On September 16, 2017, at 4:30 a.m., Austin Gavello was contacted by Post Falls Police in Post Falls, Idaho. Mr. Gavello failed to report said law enforcement contact.

- 9 **Special Condition # 17:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: On October 4, 2016, Austin Gavello signed his conditions of probation, indicating he understood all conditions ordered by the Court. Specifically, Mr. Gavello was made aware by his U.S. probation officer that he shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the Court.

On September 7, 12, and 19, 2017, Austin Gavello arrived late for substance abuse treatment at Alcohol Drug Education Prevention Treatment, Inc., (ADEPT). On September 14, 2017, Austin Gavello failed to report to scheduled substance abuse treatment at ADEPT.

- 10 **Special Condition # 16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On October 4, 2016, Austin Gavello signed his conditions of probation, indicating he understood all conditions ordered by the Court. Specifically, Mr. Gavello was made aware by his U.S. probation officer that he shall abstain from the use of illegal controlled substances, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Austin Gavello stalled for substance abuse testing at ADEPT on September 11, 2017, and did not provide a drug test. On September 19, 2017, he provided a drug test that yielded positive findings for methamphetamine. He denied using methamphetamine, but admitted he had consumed opiate based pain medications. This is of additional concern based on his history of opiate consumption abuse.

To issue a WARRANT and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 03/31/2017, 04/10/2017, and 04/19/2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 9/21/2017

s/Richard Law

Richard Law
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

Date